

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

TENNESSEE GAS PIPELINE COMPANY

PLAINTIFF

VERSUS

CIVIL ACTION NO. 4:05CV101-P-B

**LAND, WASHINGTON COUNTY, 6.52
ACRES OF LAND, MORE OR LESS, IN
WASHINGTON COUNTY, MISSISSIPPI;
DELTA PINE LAND CO., L.P., A
MISSOURI LIMITED PARTNERSHIP; AND
ANY UNKNOWN OWNERS CLAIMING ANY
RIGHTS, TITLE AND INTEREST, LEGAL OR
EQUITABLE, IN AND TO SAID 6.52 ACRES OF
LAND, MORE OR LESS**

DEFENDANTS

ORDER

This cause is before the Court on the plaintiff's Motion to Strike Delta Pine Land, L.P.'s Counterclaim [12]. The Court, having reviewed the motion and being otherwise fully advised in the premises, finds as follows, to-wit:

That the motion is well-taken and should be granted. Federal Rule of Civil Procedures 71(A)(e) specifically limits responsive pleadings of a condemnation action to an answer. "No other pleading or motion asserting any additional defense or objection shall be allowed." F.R.C.P. 71(A)(e). Federal courts routinely interpret this provision as a prohibition of counterclaims or cross-claims. United States v. An Easement and Right-of-Way Over 4.4 Acres of Land, 1994 WL 1890931 (N.D. Miss. 1994) (citing cases).

IT IS, THEREFORE, ORDERED AND ADJUDGED that the plaintiff's Motion to Strike Delta Pine Land, L.P.'s Counterclaim [12] is well-taken and should be, and hereby is, GRANTED.

SO ORDERED, this the 27th day of January, 2006.

/s/ W. Allen Pepper, Jr.

W. ALLEN PEPPER, JR.

UNITED STATES DISTRICT JUDGE